

## INSURANCE DIVISION[191]

### Adopted and Filed

Pursuant to the authority of Iowa Code section 523A.809, the Insurance Division hereby rescinds Chapter 100, “General Provisions,” Chapter 101, “Trust Deposits and Trust Funds,” Chapter 102, “Warehoused Merchandise,” Chapter 103, “Licensing of Preneed Sellers and Sales Agents,” Chapter 104, “Continuing Education for Sales Agents,” Chapter 105, “Standards of Conduct and Prohibited Practices,” and Chapter 106, “Disciplinary Procedures,” Iowa Administrative Code, and adopts new Chapters 100 to 106 with the same titles.

The amendments that rescinded 191—Chapter 19 and that adopted existing 191—Chapters 100 to 106 were Adopted and Filed Emergency, were published in the Iowa Administrative Bulletin on October 24, 2007, as **ARC 6333B**, and became effective September 28, 2007. Notice of Intended Action to solicit comments on that submission was published in the October 24, 2007, Iowa Administrative Bulletin as **ARC 6334B**. That Notice of Intended Action has expired.

A new Notice of Intended Action regarding Chapters 100 to 106 was published in the Iowa Administrative Bulletin on July 2, 2008, as **ARC 6904B**. A public hearing was held on July 22, 2008, at the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa. No comments were received.

Since publication of the Notice, paragraph 105.6(4)“c” has been revised to improve clarity. This paragraph now reads as follows:

“c. The licensee or license applicant has exhibited a pattern of writing bad checks or otherwise overdrawing a business or trust account as a result of insufficient funds.”

The adopted amendments rescind Chapters 100 to 106 and adopt new Chapters 100 to 106 in lieu thereof. These chapters implement and administer the provisions of Iowa Code chapter 523A, 2007 Iowa Acts, Senate File 559, and 2008 Iowa Acts, Senate File 2349 and House File 2555, which regulate the sale of cemetery merchandise, funeral merchandise, funeral services and any combination of these items. Persons operating as preneed sellers and sales agents in Iowa must comply with these rules beginning December 10, 2008.

These rules will become effective December 10, 2008.

These rules are intended to implement Iowa Code chapter 523A, 2007 Iowa Acts, Senate File 559 [2007 Iowa Code Supplement chapter 523A], and 2008 Iowa Acts, Senate File 2349 and House File 2555.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Chs 100 to 106] is being omitted. With the exception of the change noted above, these rules are identical to those published under Notice as **ARC 6904B**, IAB 7/2/08.

[Filed 10/16/08, effective 12/10/08]

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[For replacement pages for IAC, see IAC Supplement 11/5/08.]